

## REMARKS

Claims 1-16 are pending in this present Application. Though Applicant has not amended the claims, the above claim listing is respectfully provided for the Examiner's convenience. Applicant also respectfully thanks the Examiner for finding the Remarks filed with Applicant's Response of January 21, 2008 to be persuasive. The Examiner's rejections will now be respectfully addressed in turn.

### Claim Rejections Under 35 U.S.C. §112, first paragraph

Claims 16-28 are rejected under 35 U.S.C. §112, first paragraph for allegedly being non-enabling. Applicant respectfully traverses this rejection.

Specifically, the Examiner alleges that the claim subject matter that follows is not clear from the disclosure. First, the Examiner alleges that it is not clear "how the output compartments release an article to the dispenser outlet." In response to this allegation, Applicant respectfully refers the examiner to Figures 1a-c and paragraphs 0040-0043, wherein Applicant essentially discloses that an article (such as 112 or 114) contained in any of compartments 19, 20, and 21 may be transferred from compartments 19, 20, and 21 to dispenser outlet 13. Referring to Figures 1a-c and paragraphs 0040-0043, such a transfer may start by rotating compartment 19, 20, or 21 into alignment with the opening at the top of intermediate compartments A, B, and C (opening 203 of Figure 2), and then rotating compartments A, B, or C into alignment with the bottom opening to the dispenser outlet 13. Thus, an article 112, 114, is essentially transferred from any of compartments 19, 20, or 21 to outlet 13 via intermediate compartments A, B, or C, and rotation therebetween.

Second, the Examiner alleges that it is not clear "how the discharge arrangement performs a movement relative the magazine outlets upon activation of the activation arrangement." In response to this allegation, Applicant respectfully refers the Examiner to Figures 1a-c and 2 and paragraphs 0060-0062, which discloses rotation of the discharge arrangement (which comprises compartments 19, 20, and 21; see paragraph 0035) relative

to the magazine outlet 203. The activation arrangement 101 activates this movement via rotation of the rotating grip 101 (see Figure 4 and paragraph 0068). Applicant respectfully asserts that the art of confectionary dispensers includes well known mechanical couplings that would allow rotation of the rotating grip 101 shown Figure 4 to result in rotation of the discharge arrangement 19, 20, and 21.

Third, the Examiner alleges that it is not clear “how the activation arrangement functions in causing movement and rotating movement.” In response to this allegation, Applicant again asserts that the art of confectionary dispensers includes well known and implied mechanical couplings that would allow rotation of the rotating grip 101 shown Figure 4 to result in rotation of the discharge arrangement 19, 20, and 21.

For at least the above reasons, Applicant respectfully submits that the 112 rejections are herein overcome.

#### Claim Rejections Under 35 U.S.C. §103

Claims 16-28 are rejected under 35 U.S.C. 103(a) over United States Publication No. 2006/0207996 to Marteau (“Marteau” hereinafter) in view of United States Publication No. 2004/0004084 to Johansson (“Johansson” hereinafter). Applicant respectfully traverses this rejection.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art and that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

In addition the prior art cited must qualify as prior art under 35 U.S.C. 102. Thus, as Applicant's Application includes an earliest filing date of October 7, 2002 (see EP 02079198.4 to which Applicant claims priority), and Marteau includes an earliest filing date of May 23, 2003, Applicant respectfully submits that Marteau does not qualify as prior art under 35 U.S.C. 103(a). For at least this reason, the 103 rejection set forth in the instant Office Action is improper, and respectfully overcome.

Conclusion

All of the objections and rejections are herein overcome. In view of the foregoing, it is respectfully submitted that the instant application is in condition for allowance. No new matter is added by way of the present Amendments and Remarks, as support is found throughout the original filed specification, claims and drawings. Prompt issuance of Notice of Allowance is respectfully requested.

The Examiner is invited to contact Applicant's attorney at the below listed phone number regarding this response or otherwise concerning the present application.

Applicant hereby petitions for any extension of time necessary under 37 C.F.R. 1.136(a) or 1.136(b) for entry and consideration of the present Reply.

If there are any charges due with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicant's attorneys.

Respectfully submitted,

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